

U.S. Patent Application Serial No. 10/022,559
Reply to Office Action dated August 13, 2007

Remarks:

Applicants have read and considered the Final Office Action dated August 13, 2007 and the references cited therein.

Claims 1, 25 and 49 have been amended to clarify the invention. The subject matter of former claims 16, 40 and 62, specifying that the secure process authentication code is a hash of the process log, has been incorporated therein. Claims 16, 40 and 62 have been cancelled without prejudice or disclaimer. Claims 1 to 12, 14, 17 to 36, 38, 41 to 59 and 63 to 68 are pending.

Applicants note the Examiner's comments at paragraph 3 of the Final Office Action to the effect that the feature whereby the authenticator identification envelope does not constitute a simple code is not in the rejected claims. It is respectfully submitted that the modifications made to the independent claims address this point. A hash of the document, which by definition is a numerical value, certainly qualifies as a "simple code".

Applicant asserts that the combination of SMITHIES and ROMNEY does not teach nor does it render obvious a step of:

generating a process log of the signing of step b), said process log allowing the reconstruction of substeps b) i) to b) iii) as executed by said user, and securely associating said process log with the document as signed, said securely associating comprising the substeps of:

*i) generating a secure process authentication code uniquely representing said process log, said secure process authentication code being a hash of said process log;
and*

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*ii) embedding said process authentication code in said document as signed,
thereby securely associating said process log and document*

As mentioned previously, in SMITHIES, even if the alleged "transcript object" was to be considered a process log according to the claimed invention, no hash of this transcript object is taken and embedded in the document as signed. In the reverse, SMITHIES teaches making a hash of the document itself and embedding this hash in the transcript object. Embedding the process log authentication code in the signed document allows using the signed document and also having evidence that it corresponds only to that particular process log without actually having a copy of the process log, and that the process log has not been modified. In SMITHIES, the signed document by itself does not provide evidence of the signing ceremony, since the document does not provide a secure association to the transcript object.

ROMNEY cannot be used to address the deficiencies of SMITHIES. It is first reiterated that the authenticator identification envelope of ROMNEY does not constitute a process log as contemplated in the present invention. Claim 1 and the other independent claims of the present application specify that the process log allows the reconstruction of substeps b)i) to b)iii) as executed by the user in a web environment. The substeps involve:

- i) presenting the user with a web-based representation of the document;*
- ii) presenting the user with legal information related to said signing, and getting agreement from the user of said legal information; and*
- iii) upon agreement from the user of the legal information, applying said signature of the user on said document*

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This is important as the object of the present invention is to provide a web-based method for applying a legally enforceable signature of a user on an electronic document. The process log allows reconstructing the actual step of "presenting the user with a web-based representation of the document". It therefore keeps a record of what the user actually saw during the signing ceremony, which can vary from user to user depending on how the signing ceremony is actually carried out. By keeping a copy in the process log of the actual presenting of a web-based representation of the document to the user, the method of the present invention provides clear evidence to disprove any arguments a user could make to the effect that the signed document is not representative to what he actually viewed and agreed to during the signing ceremony. The authenticator identification envelope of ROMNEY does not provide such an advantage. ROMNEY is mainly concerned with proving that the signer applied a signature to a document and if that person is who they claim to be, which is normal for a notary process as described in ROMNEY. The information contained in ROMNEY's authenticator identification envelope is therefore related to this identification, as well as a statement that the authenticator witnessed the application of the signature to the signed document, and possibly other information. In none of the embodiments in ROMNEY does the authenticator identification envelope contain information on the document that was signed, or what was presented to the user at the time of signing.

In addition, as pointed out at paragraph 4 of the Final Office Action, ROMNEY teaches that the authenticator attaches the authenticator identification envelope to the client's signed document. Attaching a file to a document does not provide for a secure association therebetween. By contrast, in the present invention, it is a process authentication code, which is a hash of the process log, which is embedded in the document as signed. This provides a secure association between the process log and the document, as the process authentication code uniquely represents the document. In addition, the document is not unduly burdened by the information embedded therein, since a hash is not a large file, as will be readily understood by one skilled in

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the art. This is to be contrasted with the authenticator identification envelope of ROMNEY which, as pointed out in the Office Action, can include numerous data and be quite burdensome to include in the signed document.

In view of the above, it is therefore submitted that the subject matter of independent claims 1, 25 and 49 is new and non-obvious over the cited prior art, and the objections are respectfully requested to be withdrawn.

Applicants assert that the claims patentably distinguish over the prior art and the application is in condition for allowance. A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicants' representative at (612) 336-4728.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: 10/31/07

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